

Remarks

Currently pending in the application are claims 27-34. Applicants respectfully request entry of the amendments, reconsideration by the Examiner, and advancement of the application to allowance.

Specification

The Examiner objected to the title of the invention because it is not descriptive. The Examiner also objected to the specification because the priority information is not updated. Applicants have amended the specification accordingly.

Double Patenting Obviousness

The Examiner has rejected claims 27 and 32-34 under the judicially created doctrine of double patenting over claim 41 and 47-50 of co-pending Application No. 10/144,322. Applicants submit herewith a terminal disclaimer to render the rejection moot.

The Examiner has rejected claims 27 and 32-34 under the judicially created doctrine of double patenting over claim 1 of U.S. Patent No. 6,479,261; claim 1 of U.S. Patent No. 6,436,387; claim 1 of U.S. Patent No. 6,413,509; claim 1 of U.S. Patent No. 6,074,639 and claim 1 of U.S. Patent No. 5, 997,860. Applicants submit herewith a terminal disclaimer to render the rejection moot.

Examiner has also rejected claims 27 and 32-34 under the judicially created doctrine of double patenting over claim 1 of U.S. Patent No. 6,440,407. 35 U.S.C. § 121 prohibits the use of a patent as a reference against an application filed as a result of a restriction requirement in the

Appl. No. 10/090,182
Reply to Office Action of March 30, 2005

PATENT
Atty Docket No. 43392/P02W2P1D1

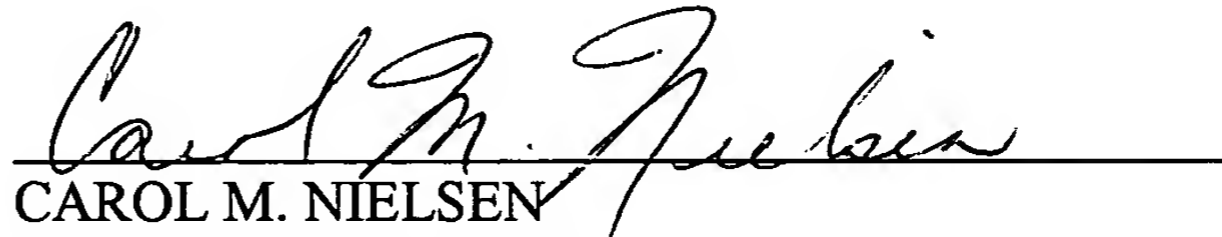
application that issued as the patent as long as the divisional was filed before the issuance of the patent. The present application is a divisional application filed on March 3, 2002 and U.S. Pat. No. 6,440,407 issued on August 27, 2002. The claims of the application U.S. Pat. App. Ser. No. 08/764,114 (now U.S. Pat. No. 6,440,407) were subjected to a restriction requirement under 35 U.S.C § 121. Therefore, a rejection of the claims under the judicially created doctrine of double patenting over claim 1 of U.S. Patent No. 6,440,407 is improper.

Applicant respectfully requests reconsideration of the application in light of remarks. Applicant requests that this case be allowed and pass to issuance. Applicants believe that this response constitutes a complete response to the Office Communication mailed March 30, 2005.

Respectfully submitted,

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CAROL M. NIELSEN
Registration No. 37,676
Customer No. 37176

Winstead Sechrest & Minick P.C.
2400 Bank One Center
910 Travis Street
Houston, TX 77002
713-650-2722 phone
713-650-2400 fax
cnielsen@winstead.com

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